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6 **UNITED STATES DISTRICT COURT**  
7 **DISTRICT OF NEVADA**  
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9 BILLY CEPERO,

10 Petitioner,

11 vs.

12 BRIAN WILLIAMS, et al.,

13 Respondents.  
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Case No. 2:16-cv-00204-RFB-NJK

**ORDER**

15 Petitioner has filed a motion for appointment of counsel (ECF No. 10) and a motion for  
16 consideration of his motion for appointment of counsel (ECF No. 15). The court sees no reason to  
17 depart from its denials of petitioner's earlier requests for appointment of counsel.

18 Respondents have filed a motion for extension of time (first request) (ECF No. 13). The  
19 court grants this motion.

20 Petitioner's motion to strike respondents' response to the petition (ECF No. 14) is moot  
21 because the court is granting respondents additional time to respond to the petition.

22 Petitioner has filed a motion to order the Nevada Department of Corrections to provide  
23 recordings of telephone conversations between his attorney and himself (ECF No. 11). Petitioner  
24 also has filed a motion to correct the state-court case number at issue in the motion to provide  
25 recordings (ECF No. 16), which the court grants. Respondents have filed a motion for late filing of  
26 a response to the motion to provide recordings (ECF No. 17), which the court grants, and a response  
27 to petitioner's two motions (ECF No. 19). The court accepts the representation of counsel for  
28 respondents that the Nevada Department of Corrections has retrieved the records and phone

1 recordings that are available. However, petitioner's motion to require the Nevada Department of  
2 Corrections to provide those recordings is not yet ripe. Respondents note that they anticipate  
3 moving to dismiss because the entire action is untimely and because most of petitioner's grounds  
4 are unexhausted. If the court agrees with respondents, then the request for the recordings is moot.  
5 The court will deny petitioner's motion to provide the recordings without prejudice. Petitioner can  
6 renew the motion if the action survives a motion to dismiss.

7 IT IS THEREFORE ORDERED that petitioner's motion for appointment of counsel (ECF  
8 No. 10) is **DENIED**.

9 IT IS FURTHER ORDERED that petitioner's motion for consideration (ECF No. 15) is  
10 **DENIED**.

11 IT IS FURTHER ORDERED respondents' motion for extension of time (first request) (ECF  
12 No. 13) is **GRANTED**. Respondents will have forty-five (45) days from the date of entry of this  
13 order to respond to the petition (ECF No. 1).

14 IT IS FURTHER ORDERED that petitioner's motion to strike (ECF No. 14) is **DENIED** as  
15 moot.

16 IT IS FURTHER ORDERED that petitioner's motion to correct facts (ECF No. 16) is  
17 **GRANTED**.

18 IT IS FURTHER ORDERED that respondents' motion for late filing (ECF No. 17) is  
19 **GRANTED**.

20 IT IS FURTHER ORDERED that petitioner's motion requesting the court to direct the  
21 Nevada Department of Corrections to provide recordings (ECF No. 11) is **DENIED** without  
22 prejudice.

23 DATED: January 9, 2018.



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26 RICHARD F. BOULWARE, II  
United States District Judge